



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107



MEMORANDUM

SUBJECT: Motion for Extension of Time for Filing Answer -  
Ellicott Machine Corporation, Baltimore, Maryland

FROM: Elizabeth S. Spencer (3RC10) *ESS*  
Assistant Regional Counsel

TO: James M. Seif (3RA00)  
Regional Administrator

On February 26, 1988, a Complaint and Notice of Opportunity for Hearing was issued to Ellicott Machine Corporation, Baltimore, Maryland, charging violations of the Toxic Substances Control Act, 15 U.S.C. §§ 2601 et seq., and the regulations promulgated thereunder found at 40 C.F.R. Part 761. This Complaint was received by Respondent on February 29, 1988, according to the return receipt for the certified mailing.

On approximately March 15, 1988, Therese M. Schmitt, of the firm of Venable, Baetjer and Howard, Baltimore, Maryland, was retained as counsel for Respondent.

Counsel has requested that the twenty day period in which to file an Answer be extended until April 11, 1988, because she has had difficulty obtaining the information necessary to prepare a response to the complaint. (See copy of attached letter from counsel for Respondent.) I would concur in this request and have attached a draft Order for your signature.

The Rules of Practice at 40 C.F.R. § 22.07(b) allow the Regional Administrator or Presiding Officer, as appropriate, to grant extensions of time for good cause shown. Until an Answer to the Complaint is filed, the Regional Administrator shall rule on all motions (see 40 C.F.R. § 22.16(c)). The Rules of Practice at 40 C.F.R. § 22.08 prohibit ex parte discussions with the Regional Administrator after the issuance of the Complaint. Accordingly, a copy of this Memorandum and attachments will be mailed to counsel for Respondent.

cc: Therese M. Schmitt, Esquire

BEFORE THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION III

841 Chestnut Building  
Philadelphia, Pennsylvania 19107



IN RE: \* DOCKET NO. TSCA-III-315  
\*  
ELLICOTT MACHINE CORPORATION \*  
Baltimore, Maryland \*  
Respondent \* COMPLAINT AND NOTICE OF  
\* OPPORTUNITY FOR HEARING  
\*

\* \* \* \* \*

MOTION AND PROPOSED ORDER FOR  
EXTENSION OF TIME TO ANSWER

Respondent Ellicott Machine Corporation ("Ellicott"),  
by its undersigned attorney, hereby moves pursuant to 40 C.F.R.  
Section 22.07(b) for an extension of time in which to answer  
the Complaint and request a hearing in the captioned matter.

The grounds for this motion are as follows:

1. Undersigned Counsel was recently retained to represent Respondent with respect to the captioned matter.
2. Respondent and Counsel have been diligently investigating the allegations made in the Complaint, but have experienced difficulty in collecting the information necessary to prepare a response.
3. The violations alleged in the Complaint involve notice and recordkeeping with respect to a single transformer, and do not involve any releases of PCBs or any actual or imminent threat to health or the environment.

4. Counsel for Respondent has contacted the Assistant Regional Counsel assigned to this matter, and is hopeful that a negotiated settlement will soon be reached.

5. EPA's Assistant Regional Counsel has indicated that she will agree to a twenty (20) day extension of the time to answer and request a hearing in this matter.

6. Resolution of the captioned matter during the requested extension period would eliminate any need for the assignment of an administrative law judge or docketing of an unnecessary hearing.

WHEREFORE Respondent Ellicott requests that an additional twenty (20) days be granted to allow the filing of an Answer in the captioned case on or before April 11, 1988. A proposed Order to this effect is attached.

Respectfully submitted by



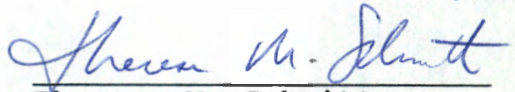
Therese M. Schmitt  
Venable, Baetjer and Howard  
1800 Mercantile Safe and Trust  
Building  
Two Hopkins Plaza  
Baltimore, Maryland 21201  
(301) 244-7716

Attorney for Ellicott

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17<sup>th</sup> day of March, 1988 a copy of the foregoing Motion and Proposed Order for Extension of Time to Answer was mailed, Federal Express, postage prepaid, to Elizabeth S. Spencer, Esquire, Assistant Regional Counsel, U.S. Environmental Protection Agency, 841 Chestnut Building, Philadelphia, PA. 19107.

  
Therese M. Schmitt